

May 12 1983 Engrossed  
Patey Gawn  
Engrossing Clerk

1983 MAY 17 PM 2:15  
I certify that the attached is a true and correct  
HOUSE COPY OF SENATE  
received from the Senate on MAY 12 1983  
referred to the Committee on Commerce  
Chief Clerk of the House

By: Doggett  
(Watson)

S.B. No. 925

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the regulation of auctioneers; amending Chapter 320,  
3 Acts of the 64th Legislature, Regular Session, 1975, as amended  
4 (Article 8700, Vernon's Texas Civil Statutes), by adding Section  
5 10A and Subdivision (10) to Section 1.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 1, Chapter 320, Acts of the 64th  
8 Legislature, Regular Session, 1975, as amended (Article 8700,  
9 Vernon's Texas Civil Statutes), is amended by adding Subdivision  
10 (10) to read as follows:

11 "(10) 'Auction company' means a person, partnership,  
12 corporation, association, or other legal entity that engages in the  
13 business of arranging, managing, sponsoring, advertising, or  
14 conducting auctions."

15 SECTION 2. Chapter 320, Acts of the 64th Legislature,  
16 Regular Session, 1975, as amended (Article 8700, Vernon's Texas  
17 Civil Statutes), is amended by adding Section 10A to read as  
18 follows:

19 "Section 10A. EMPLOYMENT BY AUCTION COMPANY. A person who  
20 holds a license issued under this Act may not act as an auctioneer  
21 for an auction company unless the company is owned or operated by a  
22 person who is licensed under this Act."

23 SECTION 3. This Act takes effect September 1, 1983.

24 SECTION 4. The importance of this legislation and the  
25 crowded condition of the calendars in both houses create an

S.B. No. 925

1 emergency and an imperative public necessity that the  
2 constitutional rule requiring bills to be read on three several  
3 days in each house be suspended, and this rule is hereby suspended.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 25, 1983

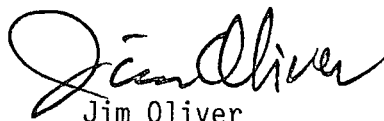
Honorable O. H. "Ike" Harris, Chairman  
Committee on Economic Development  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 925  
By: Doggett

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 925 (relating to the regulation of auctioneers) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.



Jim Oliver  
Director

Source: Department of Labor and Standards, LBB Staff: JO, JH, GT, bdt

Civil Statutes), by adding Section 10A and Subdivision  
(10) to Section 1.

L.P.  
T.M.e

By:

Doggett

S. B. No. 925

A BILL TO BE ENTITLED

AN ACT

, as amended

1

2

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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"Section 10A. EMPLOYMENT BY AUCTION COMPANY. A person who holds a license issued under this Act may not act as an auctioneer for an auction company unless the company is owned or operated by a person who is licensed under this Act."

SECTION 3. This Act takes effect September 1, 1983.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

By: Doggett S.B. No. 925  
(In the Senate - Filed March 10, 1983; March 10, 1983, read  
first time and referred to Committee on Economic Development;  
May 2, 1983, reported favorably; May 2, 1983, sent to printer.)

A BILL TO BE ENTITLED  
AN ACT

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\* \* \* \* \*

Austin, Texas  
May 2, 1983

Hon. William P. Hobby  
President of the Senate

Sir:

We, your Committee on Economic Development to which was referred  
S.B. No. 925, have had the same under consideration, and I am  
instructed to report it back to the Senate with the recommendation  
that it do pass and be printed.

Harris, Chairman

BILL ANALYSIS

S.B. 925

By: Doggett

Purpose: To amend the statute relating to the regulation of auctioneers.

Section Analysis:

Section 1 amends Article 8700, Vernon's Texas Civil Statutes, by adding subdivision (10).

Sub. (10) - "Auction company" is defined as a person or legal entity that engages in the business of arranging, managing, sponsoring, advertising, or conducting auctions.

Section 2 amends Article 8700, Vernon's Texas Civil Statutes) by adding Section 10A.

Sec. 10A - Provides that a licensed auctioneer may not act as an auctioneer for an auction company unless it is owned or operated by a person licensed under Article 8700.

Section 3 - Effective Date - September 1, 1983.

Section 4 - Emergency Clause.

Rulemaking Authority: It is the committee's opinion that S.B. 925 does not delegate any rulemaking authority to a state officer, agency, department, or institution.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 25, 1983

Honorable O. H. "Ike" Harris, Chairman  
Committee on Economic Development  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 925  
By: Doggett

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 925 (relating to the regulation of auctioneers) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

  
Jim Oliver  
Director

Source: Department of Labor and Standards, LBB Staff: JO, JH, GT, bdt

REQUEST FOR LOCAL & UNCONTESTED CALENDAR  
PLACEMENT

Hon. Roy Blake, Chairman  
Administration Committee

Sir:

Pursuant to S.R. 148, notice is hereby given that SB 925, by: Aggett,  
was heard by the Committee on ECONOMIC DEVELOPMENT on 5/2, 1983  
and reported out with the recommendation that it be placed on the Local and Uncontested  
Calendar.

Harris  
Chairman of the reporting committee

**IMPORTANT:** THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL  
OR RESOLUTION, WHICH ALONG WITH 7 ADDITIONAL COPIES OF THE BILL OR  
RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON  
ADMINISTRATION, ROOM G-27J. PLEASE CALL 5-1134 IF YOU HAVE ANY  
QUESTIONS. **DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS**  
**5:00 P.M. MONDAYS.**



May 12 19 83 Engrossed  
Patsy Spaw  
Engrossing Clerk

By: Doggett

S.B. No. 925

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# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 25, 1983

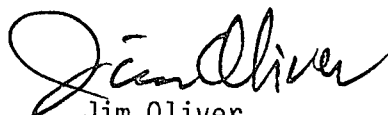
Honorable O. H. "Ike" Harris, Chairman  
Committee on Economic Development  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 925  
By: Doggett

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 925 (relating to the regulation of auctioneers) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.



Jim Oliver  
Director

Source: Department of Labor and Standards, LBB Staff: JO, JH, GT, bdt

1983 MAY 18 PM 5:56

HOUSE OF REPRESENTATIVES

# HOUSE COMMITTEE REPORT

1st Printing

By: Doggett  
(Watson)

S.B. No. 925

A BILL TO BE ENTITLED

AN ACT

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S.B. No. 925

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3    days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

MAY 17, 1983  
(date)

The Honorable Gib Lewis  
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON BUSINESS & COMMERCE, to whom was referred S.B. 925 have had the same under consideration and beg to report back with the recommendation that it (measure)

- ☒ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ☐ no

An author's fiscal statement was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

The Committee recommends that this measure be placed on the ~~Local~~ or (Consent) Calendar.

This measure ☒ proposes new law.  
☒ amends existing law.

House Sponsor of Senate Measure WATSON

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Jackson, Ch.	✓			
Gibson, B., V.C.	✓			
Harrison, W.O., C.B.O.	✓			
Denton				✓
Glossbrenner	✓			
Leonard				✓
Mankins				✓
Messer				✓
Watson	✓			

Total  
5 aye  
0 nay  
0 present, not voting  
4 absent

Luffach  
CHAIRMAN  
Reynolds  
COMMITTEE COORDINATOR

S.B. 925  
By: Doggett (Watson)

Committee on Business and Commerce

## BILL ANALYSIS

### Background Information

Frequently, persons who are not licensed to be an auctioneer or to collect a sales tax will come to a town, post bills, hold an auction, and leave town without paying a sales tax. Buyers do not have either implicit or explicit guarantees in this situation. Auctioneers who have their licenses revoked are able to circumvent the law by hiring persons who are licensed to conduct auctions for them.

### Purpose

The purpose of S.B. 925 is to amend the statute relating to the regulation of auctioneers.

### Section by Section Analysis

Section 1: Amends Article 8700, Vernon's Texas Civil Statutes, by adding subdivision (1)) which defines "auction company" as a person or legal entity that engages in the business of arranging, managing, sponsoring, advertising, or conducting auctions.

Section 2: Amends Article 8700, Vernon's Texas Civil Stations by adding Section 10A which provides that a licensed auctioneer may not act as an auctioneer for an auction company unless it is owned or operated by a person licensed under Article 8700.

Section 3: Effective date: September 1, 1983.

Section 4: Emergency Clause.

### Rulemaking Authority

This bill does not delegate any rulemaking authority to a state officer, agency, department, or institution.

### Summary of Committee Action

Pursuant to a suspension of House rules, a public hearing was held on May 17, 1983.

On May 17, 1983, the full committee voted to report S.B. 925 to the House without amendments and the recommendation that it do pass by a record vote of 5 ayes and 0 nays.

No persons testified.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 25, 1983

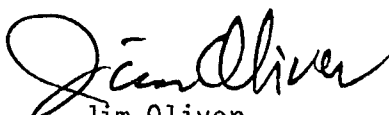
Honorable O. H. "Ike" Harris, Chairman  
Committee on Economic Development  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 925  
By: Doggett

Sir:

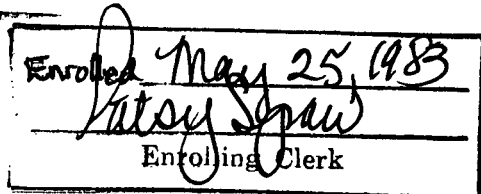
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No fiscal implication to the State or units of local government is anticipated.

  
Jim Oliver  
Director

Source: Department of Labor and Standards, LBB Staff: JO, JH, GT, bdt





S.B. No. 925

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S.B. No. 925

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\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 925 passed the Senate on  
May 12, 1983, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 925 passed the House on  
May 24, 1983, by the following vote: Yeas 139, Nays 4, two present  
not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 16, 1983


Honorable Lee F. Jackson, Chair  
Committee on Business and Commerce  
House of Representatives  
Austin, Texas

In Re: Senate Bill No. 925, as engrossed  
By: Doggett

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 925, as engrossed (relating to the regulation of auctioneers), this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

  
Jim Oliver  
Director

Source: Department of Labor and Standards;  
LBB Staff: JO, JH, GT, DM

S. B. No. 925

By D. J. [Signature]

AN ACT relating to the regulation of auctioneers.

3-10-83

Filed with the Secretary of the Senate

MAR 10 1983

Read, referred to Committee on ECONOMIC DEVELOPMENT

MAY 2 1983

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by

{ unanimous consent.  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 12 1983

Laid before Senate  
Read second time and { ordered engrossed.  
passed to third reading.

Caption ordered amended to conform to body of bill.

MAY 18 1983

Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas, 1 nays to place bill on third reading and final passage.

MAY 19 1983

Read third time and passed by { ~~a viva voce vote.~~  
31 yeas, 0 nays.

OTHER ACTION:

Betty King  
Secretary of the Senate

May 12, 1983

Engrossed

5-12-83

Sent to House

Patsy Saw  
ENGROSSING CLERK

MAY 12 1983

Received from the Senate

Business + Commerce

MAY 13 1983

Read first time and referred to Committee on

5-17

Reported favorably ~~amended~~, sent to Printer at 3:30 pm  
MAY 18 1983

MAY 18 1983

Printed and Distributed 5:56 pm

MAY 19 1983

Sent to Committee on Calendars Cons 9:23 am

MAY 24 1983

Read Second time (~~amended~~): passed to third reading (~~failed~~)

by (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays

Present, not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

MAY 24 1983

Read third time (~~amended~~); finally passed (~~failed~~) by a (Non-Record Vote) Record Vote of 139 yeas 4 nays  
2 present not voting.

Caption ordered amended to conform to body of bill.

MAY 25 1983

Returned to Senate.

[Signature]  
Chief Clerk of the House

MAY 25 1983

RETURNED FROM HOUSE

003 MAY 13 PM 5:56

REPRESENTATIVES